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CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 1-14 are pending in the application. Claims 1-3, 6-8 and 10 are rejected based on the applied references.

Anticipation

1. US 875 to Hill

Claims 1 and 3, or 1 and 6, stand rejected for allegedly being anticipated by Hill or Lucast, respectively. Applicants respectfully disagree, in part due to an inaccurate characterization of the references' disclosure.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added). See MPEP § 2131.

Examiner characterizes Hill's invention as a film that can act as a bandage. Hill's invention is fabric having a polyurethane coating. Neither a fabric nor a coating is the

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equivalent of a film. Films are planar forms of plastic that are substantial enough to be self-supporting and able to withstand various kinds and degrees of distortion. See attached pages. Fabrics are not planar forms of a plastic; coatings are neither planar plastic forms, or are they self-supporting.

It is also well established that a proper reference under 35 USC §§102 or 103 must be enabling in the sense of 35 USC §112, ¶1. It is suggested that the Hill reference is not enabling to that extent. Pertinent is the following quote from *In re Le Grice*, 133 USPQ 365, 374 (CCPA 1962):

"[T]he proper test of a description in a publication as a bar to a patent as the clause is used in section 102(b) requires a determination of whether one skilled in the art to which the invention pertains *could take the description of the invention in the printed publication and combine it with his own knowledge of the particular art and from this combination be put in possession of the invention* on which a patent is sought. [Emphasis added.]"

See also, *In re Hoeksema*, 158 USPQ 596, 601 (CCPA 1968), wherein the Court stated:

"While *In re Le Grice* was bottomed on an issue arising under 35 U.S.C. 102 where the reference was a 'printed publication,' that test, in our view, is also properly applicable to issues arising under 35 U.S.C. 103."

Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. MPEP § 2164.01

As discussed above, there are substantial differences between a fabric, a coating and a film. It is pertinent to this analysis to appreciate that these structural differences are clearly reflected by their distinct modes of preparation. Hill does not provide any guidance whatsoever to persons in the art that would allow them to prepare the claimed subject matter without undue experimentation.

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In accordance with the current law on enablement, Hill is a nonenabling reference and is insufficient for maintaining the rejections under § 102 as well as § 103.

It is respectfully requested that the rejection based on anticipation by Hill be withdrawn.

2. US 942 to Lucast

Lucast discloses the use of backing material coated with adhesive. The backing is explicitly described as being composed of fibers in either a nonwoven or woven assembly; i.e., a fabric, not a film. Col. 3, lines 55-60. The text cited by Examiner, col. 4, lines 10-20 et seq., also expressly disclose the fibrous nature of the backing.

In brief, the same arguments used to overcome Hill apply with equal force to Lucast. Neither reference anticipates nor provides an enabling disclosure to persons in the art.

It is respectfully requested that the rejection over Lucast be withdrawn.

Obviousness**1. Lucast**

Claim 2 is rejected over Lucast.

As discussed in the foregoing remarks, Lucast does not provide for a film, but only fabric coated with an adhesive. There is no disclosure in Lucast or the art that fabrics and films are identical and/or functionally equivalent. In addition there is no evidence of record indicating that an adhesive coating is the structural and functional equivalent of a film. Adhesives are non-self-supporting coatings that have the property of adhesion. These are not films - in fact, they may be coated on a film.

Under § 103, a reference must also be enabling. Nowhere does Lucast provide any guidance to the preparation of film-based articles.

Lucast does not teach each claim limitation and, therefore, the rejection should be withdrawn.

Attorney Docket: Beiersdorf 751**2. Naestoft**

Applicants believe that the rejections over Naestoft are overcome by amending claim 6 to require that each layer of the elastic film be virtually identical, as they are formed from identical polyurethane dispersions.

Naestoft, on the other hand, requires that the two elastic layers (see layers 4 and 5 in Figure 2) have very different properties. For example, the Abstract indicates that the upper layer is relatively hard, and the lower layer is soft. This is the crux of Naestoft's invention. See col. 5, lines 55-61. Thus, these films could not have been cast from the same polyurethane dispersions.

Accordingly, claim 6 is distinct from Naestoft's disclosure. Respectfully, it is believed that these rejections have been traversed.

CONCLUSIONS

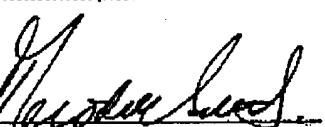
It is believed that Applicants have demonstrated that the claimed subject matter is distinguished and patentably distinct over Hill and Lucast.

Further, the amendment to claim 6 is believed to render the subject matter distinct from Naestoft.

Allowance of the claims is respectfully requested.

Respectfully Submitted,

Norris, McLaughlin & Marcus
220 East 42 nd Street
New York, NY 10017
Telephone (212) 808-0700
Facsimile (212) 808-0844


Theodore Gottlieb, PhD
Reg. No. 42, 597

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Agata Glinska

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AMENDMENT TO CLAIMS

Claim 1 (Previously presented). A film plaster for covering wounds and preventing or treating blisters, comprising at least one elastic polyurethane film, optionally coated on one surface with a pressure-sensitive adhesive composition, the elastic polyurethane film being provided with fluorocarbon, and/or hydrocarbon-based water repellents.

Claim 2 (Previously presented). The film plaster as claimed in claim 1, covered over its entire width, up until the time of use, with an antiadhesive carrier material.

Claim 3 (Previously presented). The film plaster of claim 1, comprising an absorbent wound contact material or another functional material having beneficial effects on the healing of wounds or blisters.

Claim 4 (Previously presented). A process for producing the film plaster of claim 1, which comprises the steps of,

providing a water-resistant, silicone- or polypropylene-coated paper or film,
applying to said film, at least one layer comprising at least one polyurethane dispersion, the at least one polyurethane dispersion further comprising a water repellent at up to 5% by weight, based on the weight of the at least one polyurethane dispersion, to form a composite,

drying the composite, to form a polyurethane film having at least one layer, coating the dried composite with a pressure-sensitive adhesive composition,

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optionally providing the pressure-sensitive adhesive composition with a wound pad and/or an adhesive repellent backing material, and removing the water-resistant, silicone- or polypropylene-coated paper or film.

Claim 5 (Previously presented). A process for producing the film plaster of claim 1, which comprises,

providing a water-resistant, silicone- or polypropylene-coated paper or film applying to said film at least one one layer comprising at least one polyurethane dispersion

drying the composite, to form a film having at least one layer, spraying the resulting composite on one side with an aqueous solution comprising a water repellent, at up to 40% by weight, based on the weight of the at least one polyurethane dispersion,

coating the composite on the side opposite the sprayed side with a pressure-sensitive adhesive composition,

optionally providing the pressure-sensitive adhesive composition with a wound pad and an adhesive repellent backing material, and removing the water-resistant, silicone- or polypropylene-coated paper or film.

Claim 6 (Currently amended). A film plaster for covering wounds and preventing or treating blisters, comprising a two-layer elastic film, the first layer being an elastic polyurethane film treated with fluorocarbon-, silicone- or hydrocarbon-based water repellents, the first layer being applied partially, and the surface of the second layer optionally being coated with a pressure-sensitive adhesive composition,

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and wherein the first and second layers of the elastic film are prepared from the identical polyurethane dispersion.

Claim 7 (Previously presented). The film plaster as claimed in claim 6, wherein the first layer is comprised of individual, separate segments.

Claim 8 (Previously presented). The film plaster as claimed in claim 7, wherein between the first layer and second layer there is at least one further layer.

Claim 9 (Previously presented). A process for producing the film plaster of claim 6, which comprises applying a polyurethane dispersion comprising a water repellent in a fraction of up to 5% by weight to an embossed, water-resistant, silicone- or polypropylene-coated paper or film so as to form a structured layer having individual, separate segments, drying the composite,

applying a second and, optionally, a third polyurethane dispersion to the first, drying the composite, to form a polyurethane film
coating the resulting polyurethane film with a pressure-sensitive adhesive composition, optionally providing the pressure-sensitive adhesive composition with a wound pad and an adhesive repellent backing material, and
removing the water-resistant, silicone- or polypropylene-coated paper or film.

Claim 10. (Original) The film plaster of claim 2, wherein said antiadhesive carrier material is siliconized paper.

Claim 11 (Previously presented). The method of claim 4, wherein the water repellent comprises at least one fluorocarbon.

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Claim 12 (Previously presented). The method of claim 4, wherein the water repellent comprises at least one hydrocarbon.

Claim 13 (Previously presented). The method of claim 5, wherein the water repellent comprises at least one fluorocarbon.

Claim 14 (Previously presented). The method of claim 5, wherein the water repellent comprises at least one hydrocarbon.